

103D CONGRESS  
2D SESSION

# H. R. 4167

To amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the medicare program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 12, 1994

Mr. CARDIN introduced the following bill; which was referred jointly to the Committees on Ways and Means and Energy and Commerce

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## A BILL

To amend title XVIII of the Social Security Act to provide for coverage of colorectal screening under part B of the medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Colon Cancer Screen-  
5 ing and Prevention Act”.

6 **SEC. 2. MEDICARE COVERAGE OF COLORECTAL SCREEN-**  
7 **ING.**

8 (a) IN GENERAL.—Section 1834 of the Social Secu-  
9 rity Act (42 U.S.C. 1395m) is amended by inserting after  
10 subsection (c) the following new subsection:

1       “(d) FREQUENCY AND PAYMENT LIMITS FOR  
2 SCREENING FECAL-OCCULT BLOOD TESTS, SCREENING  
3 FLEXIBLE SIGMOIDOSCOPIES, AND SCREENING  
4 COLONOSCOPY.—

5           “(1) SCREENING FECAL-OCCULT BLOOD  
6 TESTS.—

7           “(A) PAYMENT LIMIT.—In establishing fee  
8 schedules under section 1833(h) with respect to  
9 screening fecal-occult blood tests provided for  
10 the purpose of early detection of colon cancer,  
11 except as provided by the Secretary under para-  
12 graph (3)(A), the payment amount established  
13 for tests performed—

14           “(i) in 1995 shall not exceed \$5; and

15           “(ii) in a subsequent year, shall not  
16 exceed the limit on the payment amount  
17 established under this subsection for such  
18 tests for the preceding year, adjusted by  
19 the applicable adjustment under section  
20 1833(h) for tests performed in such year.

21           “(B) FREQUENCY LIMIT.—Subject to revi-  
22 sion by the Secretary under paragraph (3)(B),  
23 no payment may be made under this part for  
24 a screening fecal-occult blood test provided to

1 an individual for the purpose of early detection  
2 of colon cancer—

3 “(i) if the individual is under 50 years  
4 of age; or

5 “(ii) if the test is performed within  
6 the 11 months after a previous screening  
7 fecal-occult blood test.

8 “(2) SCREENING FLEXIBLE SIGMOID-  
9 OSCOPIES.—

10 “(A) PAYMENT AMOUNT.—The Secretary  
11 shall establish a payment amount under section  
12 1848 with respect to screening flexible  
13 sigmoidoscopies provided for the purpose of  
14 early detection of colon cancer that is consistent  
15 with payment amounts under such section for  
16 similar or related services, except that such  
17 payment amount shall be established without  
18 regard to subsection (a)(2)(A) of such section.

19 “(B) FREQUENCY LIMIT.—Subject to revi-  
20 sion by the Secretary under paragraph (4)(B),  
21 no payment may be made under this part for  
22 a screening flexible sigmoidoscopy provided to  
23 an individual for the purpose of early detection  
24 of colon cancer—

1                   “(i) if the individual is under 50 years  
2                   of age; or

3                   “(ii) if the procedure is performed  
4                   within the 47 months after a previous  
5                   screening flexible sigmoidoscopy.

6                   “(3) SCREENING COLONOSCOPY FOR INDIVID-  
7                   UALS AT HIGH RISK FOR COLORECTAL CANCER.—

8                   “(A) PAYMENT AMOUNT.—The Secretary  
9                   shall establish a payment amount under section  
10                  1848 with respect to screening colonoscopy for  
11                  individuals at high risk for colorectal cancer (as  
12                  determined in accordance with criteria estab-  
13                  lished by the Secretary) provided for the pur-  
14                  pose of early detection of colon cancer that is  
15                  consistent with payment amounts under such  
16                  section for similar or related services, except  
17                  that such payment amount shall be established  
18                  without regard to subsection (a)(2)(A) of such  
19                  section.

20                  “(B) FREQUENCY LIMIT.—Subject to revi-  
21                  sion by the Secretary under paragraph (4)(B),  
22                  no payment may be made under this part for  
23                  a screening colonoscopy for individuals at high  
24                  risk for colorectal cancer provided to an individ-  
25                  ual for the purpose of early detection of colon

1 cancer if the procedure is performed within the  
2 23 months after a previous screening  
3 colonoscopy.

4 “(C) FACTORS CONSIDERED IN ESTAB-  
5 LISHING CRITERIA FOR DETERMINING INDIVID-  
6 UALS AT HIGH RISK.—In establishing criteria  
7 for determining whether an individual is at high  
8 risk for colorectal cancer for purposes of this  
9 paragraph, the Secretary shall take into consid-  
10 eration family history, prior experience of can-  
11 cer or precursor neoplastic polyps, a history of  
12 chronic digestive disease condition (including in-  
13 flammatory bowel disease, Crohn’s Disease, or  
14 ulcerative colitis), the presence of any appro-  
15 priate recognized gene markers for colorectal  
16 cancer, and other appropriate factors.

17 “(4) REDUCTIONS IN PAYMENT LIMIT AND RE-  
18 VISION OF FREQUENCY.—

19 “(A) REDUCTIONS IN PAYMENT LIMIT.—  
20 The Secretary shall review from time to time  
21 the appropriateness of the amount of the pay-  
22 ment limit established for screening fecal-occult  
23 blood tests under paragraph (1)(A). The Sec-  
24 retary may, with respect to tests performed in  
25 a year after 1997, reduce the amount of such

1 limit as it applies nationally or in any area to  
2 the amount that the Secretary estimates is re-  
3 quired to assure that such tests of an appro-  
4 priate quality are readily and conveniently  
5 available during the year.

6 “(B) REVISION OF FREQUENCY.—

7 “(i) REVIEW.—The Secretary shall re-  
8 view periodically the appropriate frequency  
9 for performing screening fecal-occult blood  
10 tests, screening flexible sigmoidoscopies,  
11 and screening colonoscopy based on age  
12 and such other factors as the Secretary be-  
13 lieves to be pertinent.

14 “(ii) REVISION OF FREQUENCY.—The  
15 Secretary, taking into consideration the re-  
16 view made under clause (i), may revise  
17 from time to time the frequency with  
18 which such tests and procedures may be  
19 paid for under this subsection, but no such  
20 revision shall apply to tests or procedures  
21 performed before January 1, 1998.

22 “(5) LIMITING CHARGES OF NONPARTICIPATING  
23 PHYSICIANS.—

24 “(A) IN GENERAL.—In the case of a  
25 screening flexible sigmoidoscopy provided to an



1 individual for the purpose of early detection of  
2 colon cancer or a screening colonoscopy pro-  
3 vided to an individual at high risk for colorectal  
4 cancer for the purpose of early detection of  
5 colon cancer for which payment may be made  
6 under this part, if a nonparticipating physician  
7 provides the procedure to an individual enrolled  
8 under this part, the physician may not charge  
9 the individual more than the limiting charge (as  
10 defined in section 1848(g)(2)).

11 “(B) ENFORCEMENT.—If a physician or  
12 supplier knowing and willfully imposes a charge  
13 in violation of subparagraph (A), the Secretary  
14 may apply sanctions against such physician or  
15 supplier in accordance with section  
16 1842(j)(2).”.

17 (b) CONFORMING AMENDMENTS.—(1) Paragraphs  
18 (1)(D) and (2)(D) of section 1833(a) of such Act (42  
19 U.S.C. 1395l(a)) are each amended by striking “sub-  
20 section (h)(1),” and inserting “subsection (h)(1) or section  
21 1834(d)(1),”.

22 (2) Section 1833(h)(1)(A) of such Act (42 U.S.C.  
23 1395l(h)(1)(A)) is amended by striking “The Secretary”  
24 and inserting “Subject to paragraphs (1) and (3)(A) of  
25 section 1834(d), the Secretary”.

1       (3) Clauses (i) and (ii) of section 1848(a)(2)(A) of  
2 such Act (42 U.S.C. 1395w-4(a)(2)(A)) are each amended  
3 by striking “a service” and inserting “a service (other  
4 than a screening flexible sigmoidoscopy provided to an in-  
5 dividual for the purpose of early detection of colon cancer  
6 or a screening colonoscopy provided to an individual at  
7 high risk for colorectal cancer for the purpose of early de-  
8 tection of colon cancer)”.  
9

10       (4) Section 1862(a) of such Act (42 U.S.C. 1395y(a))  
11 is amended—

12               (A) in paragraph (1)—

13                       (i) in subparagraph (E), by striking “and”  
14 at the end,

15                       (ii) in subparagraph (F), by striking the  
16 semicolon at the end and inserting “, and”, and

17                       (iii) by adding at the end the following new  
18 subparagraph:

19               “(G) in the case of screening fecal-occult blood  
20 tests, screening flexible sigmoidoscopies, and screen-  
21 ing colonoscopy provided for the purpose of early de-  
22 tection of colon cancer, which are performed more  
23 frequently than is covered under section 1834(d);”;  
and



1 (B) in paragraph (7), by striking “paragraph  
2 (1)(B) or under paragraph (1)(F)” and inserting  
3 “subparagraphs (B), (F), or (G) of paragraph (1)”.

4 **SEC. 3. EFFECTIVE DATE.**

5 The amendments made by section 2 shall apply to  
6 screening fecal-occult blood tests, screening flexible  
7 sigmoidoscopies, and screening colonoscopy performed on  
8 or after January 1, 1995.

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